APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,570	02/23/2004	Gregory Bondar	2230.1040000	1077

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
12/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/784,570	BONDAR ET AL.
	Examiner	Art Unit
	DUSTIN NGUYEN	2454

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>05 December 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: <u>1,4-9,12-18 and 21-34</u>.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Dustin Nguyen/
Primary Examiner, Art Unit 2454

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20081216

Continuation of 11. does NOT place the application in condition for allowance because:

1.   As per remarks, Applicants' argued that (1) Loisey fails to teach or suggest terminating the wrapper.

2.   As to point (1), Loisey discloses user provides logon information to the domain controller, the domain controller opens connection with service provider [i.e. broadly interpreted as keeping the wrapper active only until the requested server is identified], then the service provider requests another logon information directly from the user without going through the domain controller,and the user provides logon information to the service provider [i.e. broadly interpreted as the communication is handed to the requested server, and then terminating the wrapper] [505-545, Figure 4; and col 14, lines 45-col 15, lines 24].

3.   As per remarks, Applicants' argued that (2) Loisey fails to teach or suggest the instance being a virtual server.

4.   As to point (2), Loisey discloses the above limitation since Loisey discloses once the user or users log onto the services of the computing services provider via the Internet, the user's machine is provided an emulation of the terminal server computer operating system, and the user's desired computer desktop settings are displayed to the user regardless of when, where or from which computer the user logs on [i.e. a virtual server as claimed] [col 4, lines 27-40; and col 7, lines 5-57].

5.   As per remarks, Applicants' argued that (3) Goyal fails to teach or suggest providing a replacement shared library that includes additional functionality.

6.   As to point (3), the claim remains rejected since Goyal discloses the insertion of object code into the operating system, wherein the sytem calls are intercepted by replacing a pointer in an operating system function table with a pointer to the inserted object code, so that when a system call is made, the inserted object code is executed rather than the system call [i.e. providing a replacement shared library], and the object code comprises computer instructions to obtain quality of service parameters for a particular virtual host from the table [i.e. additional functionality] [col 4, lines 3-34].

7.   As per remarks, Applicants' argued that (4) Applicants do not dispute that Goyal discloses dynamic links, however, a hook and a dynamic link, are ot the same thing.

8.   As to point (4), firstly, Applicants' disclosure admits hooking is a mechanism that is well-known in the art. Secondly, Applicants' disclosure defines a hook is a place provided in packaged code that allows a programmer to insert customized programming, such as additional features. In this case, Goyal discloses the above function [i.e. insertion of object code into operating system for obtaining quality of service parameters for a particular virtual host] [Figure 4C; col 4, lines 3-34; and col 11, lines 3-19].